**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 9875 of 2007**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE AKSHAY H.MEHTA**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**PATEL MUDRIKABEN KIRITKUMAR - Petitioner(s)**
**Versus**
**REGIONAL PASSPORT OFFICER - Respondent(s)**

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**Appearance :**
MR AV PRAJAPATI for Petitioner(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1,
MS D.R. KACHHAVA for Respondent(s) : 1,

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**CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA**

**Date : 18/04/2007**

**ORAL JUDGMENT**

1. **RULE**. Ms. D.R. Kachhava learned Additional Central Govt. Standing Counsel waives service of rule on behalf of the respondent. At the request of the learned

advocates for the respective parties, the matter is taken up for final hearing today itself.

2. The petitioner has sought correction of the place of birth in the passport issued by the respondent authority. According to the petitioner his correct place of birth is Bhurakoi, which is stated in the birth certificate issued by the Talati-cum-mantri, Bhurakoi Gram Panchayat. However, in the passport issued by the respondent, the place of birth is mentioned as Kanisa. This appears to be obvious error.

3. I have heard Mr. A.V. Prajapati learned advocate for the petitioner and Ms. Kachhava learned Additional Central Government Standing Counsel for the respondent. I have also perused the contents of the petition together with annexures. This Court has held that the birth certificate is an authentic document, so far as the date of birth or place of birth is concerned. It will prevail upon any other document that may come into existence subsequently.

3.1. So far as the grievance of the petitioner is concerned, it can be redressed by passing the following direction.

3.2. The respondent is directed to consider the application for issuance of passport of the petitioner on the basis of the birth certificate and if all other documents are found to be in order, the same may be issued to her, if otherwise she is not found ineligible.

3.3. Since this exercise is required to be carried out at the instance of the petitioner, the petitioner is directed to pay costs of Rs.2,500=00 to the respondent.

4. The petition is allowed. Rule is made absolute.

[Akshay H. Mehta, J.]

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